IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19504 of 2007(V)

PETITIONER:

THE CALICUT CONSTRUCTION LABOUR CONTRACT CO-OPERATIVE SOCIETY LTD.NO.D.2286, PAVAMANI ROAD, KOZHIKODE, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.M.SASINDRAN
SRI.M.V.BIPIN

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOZHIKODE.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOZHIKODE.

3. THE ASSISTANT EXECUTIVE ENGINEER, BUILDINGS DIVISION, P.W.D., KOZHIKODE.

4. THE ASSISTANT EXECUTIVE ENGINEER, SPECIAL BUILDINGS SUB DIVISION, KOZHIKODE.

BY GP SRI.S.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C).No. 19504/2007

Dated this 26th day of June, 2007

JUDGMENT

Heard the learned counsel for the petitioner as also the Government Pleader.

2. The petitioner is a Labour Contract of Co-operative Society. As per the Ext.P1 Government Order, they are entitled to preference in the matter of award of contract works. However, for that purpose they have to furnish a certificate issued by the first respondent regarding the 'work-in-hand' of the petitioner, Society. Now notifications inviting tenders have been issued. However, since the first respondent is not issuing 'work-in-hand' certificate the petitioner is prejudiced in the matter of submission of tenders.

3. In the above circumstances the petitioner seeks the following reliefs:-

(i). Issue a writ of mandamus or any other writ order direction to the first respondent to issue the 'work-in-hand' certificate as requested in Ext.P11 to

the petitioner forthwith for participating in the Ext.P9 and P10 tender proceedings.

(ii). To declare that the first respondent is duty bound to issued the 'work-in-hand' certificate on getting the application from a co-operative society, as contemplated in Ext.P1 Government order without delay.

(iii). To direct the second respondent to conduct an enquiry against the first respondent for the delay in issuing the 'work-in-hand' certificate to the petitioner co-operative society which resulted in make the society unable to participate the tender proceedings.

4. After hearing both sides, I dispose of this writ petition with the following directions:-

The first respondent is directed to consider Ext.P11 application of the petitioner for issue of 'work-in-hand' certificate as expeditiously as possible at any rate within two weeks from the date of receipt of a copy of this judgment. In the meanwhile, the respondents 3 and 4 shall allow the petitioner to participate in the tender

notified as per Exts.P9 and P10 without insisting on production of work-in-hand certificate. However, if the tenders are awarded to the petitioner, the petitioner need to be allowed to sign the agreement only after the production of the 'work-in-hand' certificate.

The W.P.(C) is disposed of as above.

S.SIRI JAGAN
JUDGE

mrcs